



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,302	12/16/2003	Thomas Andrew Schell	20719	7672
30482	7590	09/28/2005	EXAMINER	
BEMIS COMPANY, INC. 2200 BADGER AVENUE OSHKOSH, WI 54904			NAKARANI, DHIRAJLAL S	
		ART UNIT	PAPER NUMBER	
		1773		

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/737,302	SCHELL ET AL.
	Examiner	Art Unit
	D. S. Nakarani	1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on December 16, 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification as filed fail to teach how to make claimed first ethylene/α-olefin copolymer having a molecular weight distribution M_w/M_n of from 0.05 to less than 1.9. The specification teaches how to make claimed first ethylene/α-olefin copolymer having a molecular weight distribution M_w/M_n of from 1.9 to 2.7 (See page 7, lines 20-23 and Examples of instant specification). In absence of teaching how to make claimed first ethylene/α-olefin copolymer having a molecular weight distribution M_w/M_n of from 0.05 to less than 1.9, a person of ordinary skill in the art has to carry out burdensome experiments to practice the invention using first ethylene/α-olefin copolymer having a molecular weight distribution M_w/M_n of from 0.05 to less than 1.9.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferri et al (U. S. Patent 6,761,965 B2).

Ferri et al disclose an irradiated multilayer film having seal layer made of a blend of a highly branched homogeneous polymer (HBH polymer) and a semicrystalline polymer (Abstract). The Hbh polymer has a molecular weight distribution M_w/M_n of less than 3, preferably less than 2.5 (Col. 4, lines 15-22) and a melt index of from about 0.5 to about 10 g/10 min (Col. 4, lines 23-35). Ferri et al disclose that multilayer can be a heat shrinkable (Col. 11, lines 13-39). Ferri et al disclose radiation dosages from 1.6 to 16.6 megarad, which encompasses megarad dosages disclosed in the instant disclosure (Page 11, lines 24-26). Ferri et al's multilayer film can be from 2 to 20 layers (Col. 9, line 49 to col. 10, line 45). Ferri et al disclose film thickness from about 0.3 to 15 mils (Col. 2, lines 27-29). Ferri et al disclose heat shrinkage at 185° F from 20 to 120% (Col. 2, lines 20-26). Ferri et al disclose tie layer between oxygen barrier layer and seal layer (Col. 2, lines 11-20). Ferri et al disclose polymers for the oxygen barrier layer such as ethylene/vinyl alcohol, polyamide, polyvinylidene chloride etc. (Col. 10, lines 33-45). Ferri et al disclose polymers for other layers such as ethylene/α-olefin copolymer, polyester, polyamide etc (Col. 10, lines 8-15). Ferri et al's semicrystalline polymer of the blend include polymer such as LLDPE, VLDPE etc (Col. 7, line 62 to col. 9, line 40). Ferri et al fail to disclose claimed gel content and claimed melt index of the semicrystalline polymer etc.

However given the teaching of Ferri et al a person of ordinary skill in the art at the time of this invention made have found it obvious to optimize cross-linking and melt index for the given application.

5. Receipt of Information Disclosure Statement filed February 18, 2005 is acknowledged. All references have been made of record. Due to large number of reference recited on 14 pages of PTO 1449, all references have been considered in the manner as references encountered during a normal search of office search files. Applicants are requested to point out pertinent reference(s) to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**D. S. Nakarani
Primary Examiner
Art Unit 1773**

Dsn
September 25, 2005.